

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	NUMBER
1085/4	75	0319	07 18 75	3	430	1	1:1			Decl Judg Injunc Re- lief	8509		75	0319-B

PLAINTIFFS

DEFENDANTS

(Cons. W/
75-C-318)

STATE OF OKLAHOMA, ex rel.
STATE BANKING BOARD and
HARRY LEONARD, State Bank
Commissioner and Chairman,
State Banking Board

BANK OF OKLAHOMA, N.A.,
Formerly NATIONAL BANK OF TULSA,
OKLAHOMA

The Independent Banker's Assoc. of
Okla.

Intervening party Pltf.

Mr. James E. Smith
Comptroller of the Currency of the
United States of America

Party Deft.

CAUSE

12 USC Sect. 36, 5 USC Sects. 701 - 706.

Violation of branch banking laws and termination by way of declaratory judgment and
injunction as to interpretative ruling by comptroller of U.S. currency.

Tom Markum
Assistant Attorney General
Larry Derryberry
Attorney General of Oklahoma
Donald B. Nevard
Assistant Attorney General
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Oklahoma City, Oklahoma 73105

James M. Robinson (State)
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ATTORNEYS

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Department of Justice
Washington, D. C.
205 559.306

Rex E. Lee, Asst. Atty. General (Smith)
Robert Santee, Asst. U. S. Atty.

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	8-1-75
				JS-6	1-1-76

DATE	NR.	PROCEEDINGS
7-18-75	1.	Complaint filed and summons issued. v
7-18-75		Summons, ret. & filed: served Leonard J. Eaton, Jr., Pres., Bank of Oklahoma, 7-18-75. (USM \$3.00)g
7-18-75		Informal hearing held in chambers. Pltf. represented by D. Nevard & Todd Markum. Parties to confer about possible consolidation with companion case 75-C-318. (Possible hearing on TRO on 8-7-75. (AEB-J)b
7-25-75	2.	Motion by pltf. to consolidate this action with 75-C-318, filed. g
7-25-75	3.	Brief in support of mot. to consolidate, filed. g
7-25-75	MO	Deft. directed to file responsive brief to mot. to consolidate within 10 days. (AEB-J)g
7-31-75	4	Pltf's motion for order to show cause, for temporary restraining order and for preliminary injunction, filed. g
7-31-75	5	Memorandum of points & authorities in support of pltf's mots. for TRO and Preliminary Injunction, filed. g
8-1-75	6.	Brief of Utica Natl. Bank & Trust Co., deft. in Case No. 75-C-318, in response to mo/pltf. for consolidation of actions, filed. hm
8-1-75	MO:	It is ordered by the court that hearing on order to show cause, temporary restraining order, preliminary injunction and the merits is set on 8-14-75, at 10:00 A.M. (AEB-J)b ltrs mld
8-4-75	7.	Motion of The Independent Banker's Assoc. of Okla. to intervene as a party plaintiff, filed. b
8-4-75	8.	Brief in support of motion to intervene of the Independent Banker's Assoc. of Ok., filed. b
8-4-75	MO:	Ordered by Court that parties file respons. brief w/in 10 days to mot. to intervene (AEB-J)b ltr mld
8-4-75	9.	Brief of Bank of Oklahoma, N.A., deft. in case No. 75-C-319, in response to motion by pltf. for consolidation of actions, filed. lm
8-4-75	10.	Motion for Order to Join Comptroller of the Currency of the U.S.A. as additional pty. deft., filed. lm
8-4-75	11.	Brief in Support of Motion for Order to Join Comptroller of the currency of the U.S.A. as additional party deft, filed. lm
8-5-75	MO	It is ordered by the Court that hearing on 8-14-75, at 10:00 A.M., will be on the temporary restraining & preliminary injunction only. (AEB-J)b ltr mld
8-7-75	12.	Ans. of Bank of Oklahoma, n.a. to Pltf.'s Complaint, filed. v
8-8-75	13.	Supplemental Brief of Utica National Bank & Trust Company, Defendant in Case No. 75-C-318, in Response to Motion by Plaintiff for Consolidation of actions, filed. mm
8-12-75	14.	Memorandum Brief of Defendant, Bank of Oklahoma, N.A., to Plaintiff's Motion for Order to Show Cause for a Temporary Restraining Order & Preliminary Injunction, filed. mm
8-14-75	15.	Supplemental Memorandum of Points and Authorities in Support of Pltf's Motion for Order to Show Cause, for TRO, and for Preliminary Injunction, filed. lm
8-14-75	16.	James E. Smith, Comptroller of the CUrrency of the United States Opposition to Plaintiff's Motion for Temporary Restraining Order, filed. mm

Continued ...

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-14-75	Memorandum Supporting the Deft. Comptroller's Opposition to the Pltff's motion for a Temporary Restraining Order, filed. mm	
8-14-75	Case called for hearing. The following appearances were made. Mr. Donald B. Nevard appeared for pltf; Mr. James H. Robinson appeared for The Independ. Banker's Assoc. of Okla.; Messrs. James S. Boese & R. L. Davidson, Jr. appeared for Bank of Okla., N.A., formerly Nat'l Bank of Tulsa, Okla. Mr. Edward Jiran appeared for the Comptroller of Currency of the United States. Mr. Jiran is admitted for purposes of this case only. The Court then heard the motion of the Comptroller of Currency to be added as an addit'l party deft. Mr. Jiran, atty. for Comptroller announced in open court that the Comptroller would be bound by any & all schedules set by the Court, & waived the 60 day ans. period of the Comptroller. There being no object, the motion to add addit'l party Deft. filed by Bank of Okla. was sustained & Comptroller is added as an addit'l party Deft. The Court then considered the motion of The Independ. Banker's Assoc. of Okla. to intervene as a party pltf. Mr. James M. Robinson, atty. for the IBA announced in open Court that the IBA would be bound by any and all schedules set by the Court & waived time to answer. There being no objection, the motion to Intervene was sustained & the IBA was allowed to intervene as an intervening pltf. The Court thereafter heard further argument and then recessed in order that Court and parties might view the CBCT involved in the case. Court reconvened at 2:00 p.m. & arguments were heard on the TRO. The Court denied the motion for a TRO., with the provision that the deposit slot on the CBCT remain closed until after trial on the merits. Mr. Robinson is to prepare order on intervention & addit'l party Pltff; Mr. Davidson is to prepare order on Temporary Restraining Order..The following schedule set by the Court: Briefs due 8-29-75; Discovery completed by 9-1-75; Agreed pre-trial order to be filed by 9-9-75; Trial briefs, exhibits marked, witness exchanged and listed, etc, by 9-11-75. Trial on the merits is set at 10:00 A.M., on 9-16-75. (AEB-J)b	
8-14-75	Response to motion to intervene of Independ. Banker's Assoc. of Okla., filed. b	
8-14-75	Order adding James E. Smith, Comptroller of the Currency of the United States of America as Party Defendant, filed(AEB-J) cps mld mm	
8-14-75	Intervenor's Complaint for Declaratory Judgment & Injunctive Relief, filed. b	
8-18-75	MO: It is Ordered that <u>Mtn. for Cons.</u> be and the same is hereby sustained. (AEB-J)jj <i>Called off by 3:00 PM</i>	
8-18-75	MO: It is ordered by the Court that the following schedule is set: Discovery completed by 9-18-75; Agreed pre-trial order to be filed by 10-7-75; exhibits marked, witness exchanged & listed, etc. by 10-14-75; Trial brief by 10-27-75. Tentative trial date 11-11-75, at 10:00 A.M. (AEB-J)b <i>8-19</i>	
8-19-75	21. Order Denying TRO, filed. (AEB-J) mm cps mld	
8-19-75	22. Withdrawal by Utica National Bank & Trust Co., Deft. in Case No. 75-C-318 of Objection to Motion by Plaintiff for Consolidation of Actions, filed. mm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-20-75	23 Deft's Notice to Take Deposition of William R. Williams, filed. /mm subpoena issued	
8-20-75	24 Deft's Notice to Take Deposition of Harry E. Leonard, filed, on 8-27-75 at Oklahoma City, OK. mm subpoena issued	
8-25-75	25. Deft. James E. Smith's notice to take deposition of intervening pltf., Independent Bankers Assoc. on 8-27-75 at Oklahoma City, OK filed.k	
8-28-75	26. Deft. Utica National Bank and Trust Co.'s Amended Ans. to Pltf.'s Compl. & Intervening Pltf.'s Compl., filed. v	
8-29-75	27. Amended Answer of Bank of Okla, N.A. to Pltf's Complaint, filed. 1m	
8-29-75	28. Separate Answer of Bank of Okla, N.A. to Intervenor's Complaint, filed. 1m	
9-4-75	29. Notice of taking depositions by plaintiff, filed. Subpoenae issued. g	
9-4-75	30. Notice of taking depositions by Defendant, Utica Nat'l, filed. Subpoena issued. b	
9-9-75	31. Deft. Bank of Oklahoma's Notice to take deposition of Wm. Waller on 9-15-75, at Tulsa, OK, filed.k subpoena's issued	
9-9-75	32. Deft. Bank of Oklahoma's Notice to take deposition of Donald Ingle on 9-15-75 at Tulsa, OK, filed.k subpoena's issued	
9-11-75	33. Deft's Motion for Protective Order, filed. 1m	
9-11-75	34. Brief in Support of Motion for Protective Order, filed. 1m	
9-15-75	Depositions of Harry Leonard on behalf of deft. taken on 8/26/75; of Mr. Amis on behalf of deft, taken on 8-26-75; of Richard L. Killmon on behalf of deft, taken on 8-27-75 in Oklahoma City before Howard J. Kirkpatrick (CSF). 1m	
9-15-75	35. Motion to Quash Subpoena & for Protective Order of Donald E. Ingle on behalf of Tulsa Federal Savings & Loans Association, filed. mm	
9-15-75	36. Brief in Support of Motion to Quash & Protective Order of Donald E. Ingle, filed. w/ affidavit of Donald E. Ingle	
9-15-75	MO: Ordered by the Ct. that the Ct. having been orally advised by Mr. R. L. Davidson, Jr., that no need presently exists for the Motion for Protective Order filed by Bank of Okla. W/reference to depositions, said depositions having now been taken, IT IS ORDERED that said Motion for Protective Order is now moot. (AEB-J) cps mld mm	
9-16-75	MO: Ordered that the Motion to Quash Subpoena and for Protective Order filed by Tulsa Federal Savings & Loan Association and Donald E. Ingle, its' President, be and the same hereby overruled as being moot. (AEB-J) cps mld mm	
10-1-75	MO: It is ordered by the Court in agreement by parties the time to file PTO is extended to 10-10-75. By agreement of parties it is ordered that the parties may file supplements to items 3 & 4 no later than 10-27-75.(AEB-J)b parties notified by MC	

9-16-75 Judy Moke
 Depositions of Harry Leonard
 and Mr. Amis taken on 8-26-75
 and Richard L. Killmon taken on 8-27-75
 in Oklahoma City before Howard J. Kirkpatrick (CSF).

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-1-75	MO: It is ordered by the Court that the parties submit simultaneous briefs on the following questions within ten (10) days from this Date: (1) The standing to sue of The Independant Banker's Assoc. of Oklahoma; (2) The capacity of The Independent Banker's Assoc. of Oklahoma.(AEB-J)b ltrs mld	
10-1-75	37. Order, filed, denying temporary restraining order, with proviso that deft. Utica National Bk & Tr. Co. limit its function of operation to those functions now used and viewed by the Court. (AEB-J)g <i>ref.</i>	
10-6-75	38. Answer of deft. James E. Smith, Comptroller of the Currency, to Pltf's Complaint in Civil Action No. 75-C-318, filed. lm	
10-6-75	39. Deft. Comptroller's Answer to Intervening-Pltf's Complaint Civil Action No. 75-C-318, filed. lm	
10-6-75	40. Answer of Deft James E. Smith, Comptroller of the Currency, to Pltf's Complaint in Civil Action No. 75-C-319, filed. lm	
10-6-75	41. Deft. Comptroller's Answer to Intervening-Pltf's Complaint, Civil Action No. 75-C-319, filed. lm	
10-14-75	42. Deft. Utica Ntl. Bnk. & Trust Co.'s List of Exhibits, fld. v	
10-14-75	43. Deft. Utice Ntl Bnk.'s Witness List & Summary of Witness' Testimony, filed. v	
10-14-75	44. Deft. Utica Ntl. Bnk.'s Brief on Question of Standing & Capacity of Intervening Pltf., the Independent Banker's Assoc. of OK, to Maintain its claims alleged herein, filed. v	
10-14-75	45. Brief of Deft., Bank of OK, N.A., on Standing & Capacity of the Independent Banker's Assoc. of OK, filed. v	
10-14-75	46. Deft. Bank of OK, N.A.'s witnesses and summary of expected testimony, filed. v	
10-14-75	47. Deft. Bank of OK, N.A., exhibits (for trial), filed. v	
10-14-75	48. Brief of Independent Banker's Assoc. of OK in re question of its standing & capacity to maintain its claims for declaratory relief, etc., filed. v	
10-14-75	49. List of Exhibits and Witnesses, filed by Independent Banker's Assoc. v	
10-14-75	50. Defendant Comptroller's memorandum contesting the standing and capacity of intervening-plaintiff, Independent Banker's Assoc. of OK, filed.k	
10-16-75	51. Pretrial Order, filed. (AEB-J)v	
10-17-75	52. Pltfs.' Amended List of Witnesses and Exhibits, filed. v	
10-20-75	53. Deft's Comptroller's List of Witnesses & Exhibits, filed. mm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-23-75	MO: It is Ordered by the Court that upon oral application of Mr. James Robinson, attorney for the Independent Banker's Assoc. of Oklahoma, the parties are granted until Friday, October 31, 1975, being an extension from October 27, 1975, to file their trial briefs." (AEB-J)jj attys contacted by phone and letter.	
10-28	54. Pltfs' Exhibits, filed.jj	
10-28	55. Deft. Comptroller's Amended List of Witnesses and Exhibits, filed.jj	
10-28	56. Suppl. exhibits of def., BOK, filed. rm (N-B in envelope)	
10-30	57. Order, filed and entered, that the complaint in intervention of the Independent Bankers Association of Oklahoma be and the same is hereby dismissed. (AEB-J)rm-copies mailed	
10-31	58. Trial Brief for the Comptroller of the Currency, filed.k	
10-31-75	MO: Ordered by Court that case is set for trial on 11-11-75, 10:00 A.M.(AEB-J)b ltrs mld	
10-31	59. Pltfs.' Trial Brief, filed. v	
10-31	60. Trial Brief of Deft. Utica Ntl. Bnk. & Trust Co., filed. v	
10-31	61. Deft., Bank of OK, N.A., Trial Brief, filed. v	
11-4	62. Plaintiff's appl. for continuance of trial setting, filed. o+sJ	
11-5	63. Deft. Comptroller's Memo. in Support of Opposition to Pltf's Mtn. for a Continuance of the Trial Date, filed.jj	
11-5-75	64. Deft. Comptroller's Opposition to Pltf's Mtn. for a Cont. of the Trial Date, filed.jj	
11-7-75	MO: Ordered by the Court that Pltf's motion for continuance is overruled. Trial date is 11-11-75, at 10:00 A.M.(AEB-J)b nts by	
11-10	65 Pltf's affd. re trial exhibits & brief, filed. g(2-24 in envelope) phone & ltr.	
11-10	Depositions of John Davis, Leonard Eaton, V.M. Thompson, Jr., and O. C. Laskey on behalf of pltfs . before Loyd J. Christesson (CSR) \$444.00. lm	
11-10	Deposition of William W. Waller on behalf of defts before Loyd J. Christesson (CSR) \$114.00. lm	
11-10	Deposition of Donald Ingle taken on behalf of defts. before Loyd J. Christesson, C.S.R. at Tulsa, OK w/ fees of \$166.00 paid by defts., filed.k	
11-10	66. Deft. Bank of OK's Notice of filing depositions of Don Ingle, Wm. Waller, Richard Killmon, & Harry Leonard, filed.k	
11-10-75	67. Party Deft's affid. re trial exhibits & brief, filed. b	

DATE	PROCEEDINGS	Date Order or Judgment Noted
-11-14-75	Case tried to Court 11-11, 11-12, 11-13 & 11-14-75. Parties present; T. Markum, J. Robinson for St.; R. L. Davidson, J. Boese for BOK; S. Seymour, Wm. Anderson for Utica; E. Jiran for Comptroller. Parties announce ready. Todd Markum admitted for purpose of this case upon motion of J. Robinson. Defts motion for admission of all depositions allowed by Ct. Rule invoked. Parties make opening statements. At no objections, stipulations are allowed. State's motion for dismissal of Comptroller overruled. James Elliott admitted for purpose of this case. Parties present case in chief, witnesses sworn & testify. Pltf. has continuing objection to testimony of Dean Jacobs. Pltf's motion for testimony & exhibits connected w/Jacobs be stricken, overruled. Comptroller's exh.#4 (movie) viewed by Court. Pltf's motion for dismissal of Brown's testimony overruled. Parties agree to stipulate as to testimony of Mr. Castleman, Clarkes Mgr., if he were to testify. Parties rest. All parties to file Findings & Conclusions w/in 30 days.(AEB-J)b	
11-14-75	Pltf's exhibits 2 thru 24, filed. b In exhibit room	
11-14-75	Deft. BOK exhibits F thru R , S 1a & S1b, S2a & S2b in exhibit room. b	
11-14-75	Deft. Utica's exhibits 1 thru 19, filed. b In exhibit room	
11-14-75	Comptroller's exhibits A thru # & 1 thru 3 & 5 thru 8 in exhibit room, exh. 4, 6a & 6b in exhibit room. b	
12-10-75	68. Proposed joint findings of fact and C/L of defts Utica National Bank, Bank of Okla., N.A., and James E. Smith, Compt. of the Currency, filed. ph	
12-12	69. Pltf.'s proposed finding of fact & conclusions of law, filed. v	
12-22	Reporter's transcript of non-jury trial proceedings (2 volumes) had on November 11, 12, 13 and 14, 1975, filed.(G.Dorrough-CR)rm	
12-23-75	70. Findings of Fact and Conclusions of law, filed.(AEB-J)b cps mld	
12-23-75	71. Judgment, filed & entered, that declaratory & injunctive relief sought by Pltf. should be & is hereby is denied; & that these consolidated actions are dismissed on the merits with prejudice, each party to bear its own costs.(AEB-J)b cps mld	
2-20-76	72. Appl. of pltf. for ext. of time to file notice of appeal, filed.g	cto MC
2-20	73. Order, filed, overruling pltf's appl. for ext. of time to file notice of appeal. (AEB-J)k cps mld	
2-23	74. Notice of appeal by pltf. from judg. of 12/23/75, filed. rm (copy to USCA)	
2-23	75. Bond for costs on appeal (\$250 cash), filed. rm	
3-19	76. Stipulation of all parties for dismissal of appeal, filed. rm	
3-19	77. Order dismissing appeal upon stipulation, filed.(AEB-J)rm (copy to USCA) (Davidson mailed copies to counsel)	
6-8-82	78. APPLIC of pltf to disburse \$250.00 for cost bond on appeal.(0 as part of applic & to J)a	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-10	<div data-bbox="260 310 1552 384"> <div>---</div> <div>ORDER that clerk shall disburse to the Atty Gen of OK the sum of \$250.00.(HDC-J)a</div> </div>	